



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Van Kampen Group, Inc.

Serial No.: 09/689,621

Filed: October 13, 2000

For: P. Acnes Treatment of Planter's Warts

Group Art Unit:

Examiner:

AFFIDAVIT OF DR. KENT R. VAN KAMPEN

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

RECEIVED

DEC 10 2001

State of Alabama

County of Shelby

SS:

OFFICE OF PETITIONS

Dr. Kent R. Van Kampen, being duly sworn, and having personal knowledge of the facts set forth herein, hereby deposes and says that:

1. I am one of the inventors of the invention disclosed and claimed in the U.S. patent application, Serial No. 09/689,621, filed October 13, 2000, and entitled "P. Acnes Treatment of Planter's Warts" (hereinafter referred to as the "Patent Application").
Chief Executive Officer KVK 7/25/01
2. I am ~~employed as President~~ of The Van Kampen Group, Inc. in Hoover, Alabama.
3. Bobby J. Edwards is a colleague with whom I have associated for about 12 years.
4. With the assistance of Mr. Edwards, the invention disclosed and claimed in the Patent Application was developed.

5. After the present invention was reduced to practice, I proceeded to have the Patent Application prepared on behalf of The Van Kampen Group, Inc., said application which was filed on October 13, 2000. Bobby Edwards and myself were listed as inventors.

6. On April 25, 2001, I sent a letter and a signed copy of the patent application and assignment documents to Mr. Edwards requesting that he sign the documents.

7. The April 25th letter followed an earlier attempt mailed to an address in Texas that is no longer the residence of Mr. Edwards.

8. I have spoken with Dr. Robert Page, Mr. Edwards' employer, about having Mr. Edwards sign the patent documents.

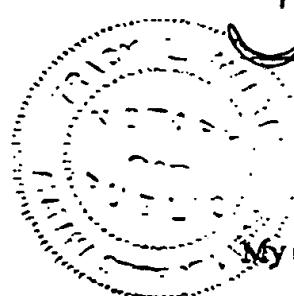
9. Despite my efforts to communicate with him, I have received no response from Mr. Edwards.

10. Because of a current legal matter in which Mr. Edwards is a defendant and I am a key witness, my attorneys have instructed me not to have personal verbal communication with any of the defendants, including Mr. Edwards.

11. It was necessary for the Van Kampen Group to file this Patent Application in order to preserve and protect The Van Kampen Group's legitimate rights in the invention.

Dr. Kent R. Van Kampen
Dr. Kent R. Van Kampen

Subscribed and sworn to before me this 15th day of July, 2001.



Craig T. Martin
Notary Public
In and for the State of Alabama
County of Shelby

My commission expires: 12-30-2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Kent R. Van Kampen et al
Serial No.: 09/689,621
Filed: October 13, 2000
For: The Treatment of Dermal Tumors, Warts,
and Viral Infections of the Respiratory
Tract in Humans Using Heat-Killed
P. Acnes



Group Art Unit: 1651

Examiner:

AMENDED AFFIDAVIT OF BRIAN LAURENZO

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

State of Iowa
County of Polk

SS:

I, Brian Laurenzo, being duly sworn, and having personal knowledge of the facts set forth herein, hereby depose and say that:

1. I am the attorney representing Dr. Kent R. Van Kampen in the prosecution of the invention disclosed and claimed in U.S. Patent Application Serial No. 09/689,621, filed October 13, 2000 and entitled "The Treatment of Dermal Tumors, Warts, and Viral Infections of the Respiratory Tract in Humans Using Heat-Killed P. Acnes" (hereinafter referred to as the "Patent Application").
2. I am a partner with DORSEY & WHITNEY LLP located at 801 Grand, Suite 3900, Des Moines, Iowa 50309.

3. On June 6, 2001, I had a telephone conversation with Mr. Bobby Gene Edwards in which I asked if he had signed the Declaration sent to him previously by Dr. Kent Van Kampen in connection with the filing of the Patent Application.

4. Mr. Edwards stated he would not sign the Declaration until he first spoke with Dr. Van Kampen.

5. Due to pending litigation in which Mr. Edwards is a defendant, and Dr. Van Kampen is a key witness, Dr. Van Kampen's attorney has advised me that he has instructed Dr. Van Kampen not to have personal verbal communication with any of the defendants in the case.

6. Mr. Edwards also indicated that he was no longer at his office in Texas, and asked that any future communications be directed to him at 9930 Highway 22, Dresden, TN 38225.

7. A duplicate copy of the Declaration was sent to Mr. Edwards' place of business in Tennessee on June 8, 2001, and signed for on June 11, 2001 (attached hereto as Exhibits 1A-1E).

8. Mr. Edwards did not return the Declaration.

9. On October 11, 2001, I sent another copy of the Declaration and a copy of the patent application, including the specification, claims and abstract, to Mr. Edwards at his home address and at his work address via certified mail, return receipt requested (attached hereto as Exhibits 2A-2F).

10. In the October 11, 2001 letter, I indicated that if Mr. Edwards did not sign and return the Declaration, we would consider his conduct to be a refusal to proceed with the patent application and would take the necessary steps to proceed with the prosecution of the patent application without him.

11. The October 11, 2001 certified letters were both signed for by Kristy Matheny, and we received the Return Receipts on October 19, 2001.

12. On October 18, 2001, a duplicate copy of the October 11, 2001 letter and enclosures were sent to Mr. Edwards, at both his home and work addresses via Federal Express (attached hereto as Exhibits 3A-3J).

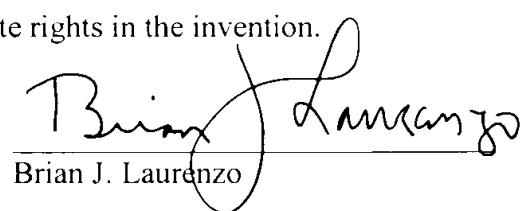
13. I received an electronic mail message from Mr. Edwards, dated October 20, 2001, indicating that Mr. Edwards had received the letter and other documents that we sent via Federal Express on October 18, 2001 and that Mr. Edwards would not sign the Declaration until Dr. Van Kampen spoke with him (attached hereto as Exhibit 4).

14. Due to the above-mentioned pending litigation in which Mr. Edwards is a defendant, and Dr. Van Kampen is a key witness, Dr. Van Kampen is still being advised not to have personal verbal communication with any of the defendants in the case.

15. Mr. Edwards has never returned a signed Declaration for the Patent Application.

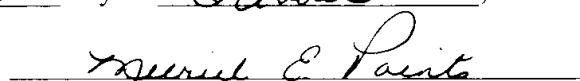
16. I interpret the conduct of Mr. Edwards during my interactions with him and his express written refusal to sign the Declaration as a clear indication of his refusal to sign any documents which are offered to him for execution. Therefore, I believe that Dr. Kent R. Van Kampen is entitled to proceed with the Patent Application on behalf of Mr. Edwards.

17. It was necessary for The Van Kampen Group to file this Patent Application in order to preserve and protect The Van Kampen Group's legitimate rights in the invention.



Brian J. Laurenzo

Subscribed and sworn to before me this 25th day of October, 2001.



Terri E. Paetz
Notary Public
In and for the State of Iowa
County of Polk

My commission expires: 08/09/02